

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

The Trustees of the Sheet Metal Local
#10 Control Board Trust Fund,

Civil 10-1053 JNE/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

Performance Contractors, LLC,

Defendant.

On November 15, 2010, Judge Erickson adopted this Court's Report and Recommendation (Document Nos. 17; 18) which required the Defendant to submit accurate fringe benefit reports for the period of March 2010 through the present and which found the Defendant liable to the Plaintiffs for all delinquent contributions and liquidated damages due and owing for the period of January 2010 through the present as well as for the Plaintiffs' attorneys' fees and costs. After the issuance of the Order, the Defendant submitted its report for the period of March 2010 to October 2010.

This matter is now before the Court upon a motion by the plaintiffs for entry of a money judgment. In support of this motion, the Plaintiffs submitted the Second Supplemental Affidavit of Sheila Rice setting forth the amount due for unpaid fringe benefit contributions and liquidated damages for the period of January 2010 through October 2010 and the Affidavit of Amy L. Court identifying the amounts incurred for attorneys' fees and costs. The motion was served on Defendant December 2, 2010, and filed with the Court on December 21, 2010. On December 27, 2010, Judge Erickson referred the matter to this Court for a Report and Recommendation.

(Docket No. 24). Defendant has made no response to the motion.

Based upon all of the files, records, and proceedings herein, including the Order of November 15, 2010 (No. 18) adopting the Report and Recommendation dated October 15, 2010 (No. 17),

IT IS HEREBY RECOMMENDED that judgment be entered in favor of the Plaintiffs and against Defendant Performance Contractors LLC in the amount of \$70,483.83.

DATED: January 6, 2011.

S/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **January 20, 2011**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.